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ABSTRACT

The paper presents an overview and analysis of the selection process of public college and university trustees and regents, examining the experiences of three states--Minnesota, Massachusetts, and Kentucky which use screening committees to assist governors in the selection of regents. The discussion also covers two statewide trustee orientation and in-service programs in Oklahoma and Kentucky. The report, based on interviews and analysis of legal documents and policy papers, finds that: (1) formally established screening committees can make a positive difference in the quality and integrity of regent and trustee appointments; (2) politics can be lessened but cannot and should not be removed from the process by the screening mechanisms; (3) required time commitments and open-meetings laws can hamper the work of screening committees; (4) statewide in-service and orientation sessions make a difference in how board members perceive their roles and responsibilities, maintain collegiality, and assist members in becoming more effective advocates for higher education; and (5) a crisis in the board appointment process can lead to significant changes in the process. (Contains 26 references.) (DM)

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Association of Governing Boards of Universities and Colleges

Changing State Policies to Strengthen Public University and College Trustee Selection and Education

By Jean Graves McDonald

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Introduction

The selection, orientation, and in-service education of public college and university trustees and regents has been an ongoing concern of the Association of Governing Boards of Universities and Colleges. For well over a decade, AGB has put forth ideas and models and provided advice to states wishing to create mechanisms and programs that improve the quality and performance of lay trustees and regents. Most notable have been AGB's efforts to encourage states to adopt a selection process that employs a standing committee to recruit, screen, and recommend nominees to the appointing authority.

The vast majority of members of public university boards are selected by governors and confirmed by state senates. It is too often the case that trustee and regent appointments are not given the attention or treated with the level of seriousness they require. Only recently have states begun to seriously question the selection and preparation of board members, although national concern has been expressed for some time.

This paper presents an overview and analysis of the selection process in three states (Minnesota, Massachusetts, and Kentucky), with further discussions on the statewide trustee orientation and in-service programs in Oklahoma and Kentucky. Minnesota, Massachusetts, and Kentucky have adopted screening committees to assist governors in the selection of trustees and regents. Oklahoma and Kentucky were two of the first states to implement legislation mandating statewide trustee orientation and education.

This report is not a formal evaluation of these screening and selection programs. Rather, it is an in-depth environmental scan based on extensive interviews by the author and analysis of relevant legal documents and policy papers.

What was found?

- There is general agreement that a formally established screening committee *can* make a positive difference in the quality and integrity of regent and trustee appointments.
- Politics can be lessened but cannot (and should not) be removed from the process by the existence of screening mechanisms.
- Required time commitments and open-meetings laws can hamper the work of screening committees.
- Statewide in-service and orientation sessions, after overcoming initial skepticism, make a difference in how board members perceive their roles and responsibilities, maintain collegiality and open minds, and assist members in becoming more effective advocates for higher education.
- A real or perceived crisis in the board appointment process can lead to significant changes in the process.

We hope this report will help state policy makers and public college and university advocates better understand the results of these reforms, in their efforts to implement selection and orientation reforms in their own states.

This paper is made possible by grants from the Sloan Foundation and the Robert W. Woodruff Foundation.

Changing State Policies to Strengthen Public College and University Trustee Selection and Education

By Jean Graves McDonald

In 1980, the National Commission on College and University Trustee Selection issued its report *Recommendations for Improving Trustee Selection in Public Colleges and Universities* under the sponsorship of AGB. The commission, chaired by former North Carolina Governor Robert W. Scott, recommended 18 steps states can take to improve the quality of trustees at public colleges and universities. The initial recommendation called for the appointing authority to select trustees "from a list of nominees who have been carefully screened by a special committee." According to the Scott Commission, the screening committee members should be diverse and reflective of the state's population. The committee should assess board needs, consult with trustees, and search widely for appropriate candidates before sending its short list of candidates to the appointing authority.

The Scott Commission report also recommended that "new trustees should be provided with a systematic and thorough orientation program." The orientation program should include information on the roles and duties of trustees, basic institutional data, meetings with appropriate campus leaders and a campus tour, informal exchanges with trustees of their own and other institutions, and a review of the board's structure.

The commission's recommendations were well received, but states did not rush to adopt them. Changing the selection process meant changing years of practice and tradition and also reducing the authority of major state public officials, particularly governors and legislators. There was little impetus by the appointing authorities themselves to give up what was generally perceived as one of their few means to exercise "control" over the higher education establishment. In addition, trustee appointments were considered an important means for governors or legislators to reward political friends and major campaign contributors.

Put bluntly, trusteeships, especially for the flagship university, are viewed as "political plums." Why change the system? Nonetheless, armed with the ideas from the Scott Commission, a few state leaders had the ammunition to act when the matter became a priority and the timing became right.

Three states—Kentucky, Massachusetts, and Minnesota—enacted reforms of the trustee-selection process in the late 1980s and early 1990s. Kentucky and Oklahoma, and more recently Arkansas and Texas, enacted legislation to require in-service education programs for trustees; in all of the states except Kentucky, attendance is mandatory for newly appointed or reappointed trustees. This paper examines how these statutory changes have been implemented in Kentucky, Massachusetts, Minnesota, and Oklahoma and summarizes perceptions about how well they are working. The paper begins by reviewing developments in states that have created lay committees to recruit and screen trustee candidates.

Statutory Changes in the Selection Process

• **Kentucky.** Kentucky's legislation to develop a screening process for trustees of public four-year institutions of higher education had its roots in an independent education-reform organization, the Prichard Committee. The Prichard Committee, an active advocate of reform at both the school and university level in Kentucky, considered a revised selection process for trustees along with other reforms from the Scott Commission in the mid-1980s.

The state representative from the district representing the University of Kentucky introduced legislation to reform the selection process in both the 1988 and 1990 legislative sessions, but without success. However, shortly before outgoing Governor Wallace Wilkinson left office in early 1992, Wilkinson appointed himself to the University of Kentucky Board of Regents. That action generally is perceived as a major cause for the legislature's willingness to create a screening/nominating committee as part of its 1992

higher education reform measure, H.B. 149. It also was helpful that newly elected Governor Brereton Jones was a proponent of the measure, having served on the Prichard Committee, and had included it in his gubernatorial campaign. The legislation, which was drafted with AGB's recommendations in mind, also came in the wake of the other reform measures adopted in Kentucky, including passage of a major school-reform bill.

The Wilkinson appointment so upset legislators that the legislation initially included a provision to replace all existing trustees for the eight state university governing boards and the Kentucky Council on Higher Education. Ultimately, legislators decided this action would be detrimental to the universities; instead, one-half of the incumbents holding existing trustee positions were scheduled for replacement. The legislature did not specify which half was to be replaced, but it generally was understood that former Governor Wilkinson would not be among those reappointed to the University of Kentucky Board of Regents.

The legislation created the Governor's Higher Education Nominating Committee, consisting of seven members appointed by the governor with confirmation necessary by both houses of the state legislature. Each screening/nominating committee member represents a state supreme court district. No more than two persons with baccalaureate degrees from the same undergraduate institution can serve on the body. The screening committee must be proportionately representative of the racial composition of the commonwealth.

H.B. 149 also stipulates characteristics of the university board members that must be taken into account as the screening committee searches for and reviews candidates. University governing boards must reflect the state's racial composition, its partisan composition as determined by political party registration, and geographic diversity. Not more than two appointed members of any board shall be residents of one county, for example. The latter provision applies specifically to the boards of the regional institutions.

In its first year, the Higher Education Nominating Committee had a heavy work load because of the large number of open positions and the challenge of developing its initial recruitment and evaluation process. The legislature had charged the committee with forwarding three names to the governor for each open slot; approximately 50 slots were open that year. Five hundred people applied for the open board positions; most applied for service on either the University of Kentucky or the University of Louisville Board of Trustees.

Now that the committee has had time to structure its work and has fewer positions to screen and fewer number of applicants to consider, its work load is less burdensome. The success of the committee is reflected in legislative action in 1994 to expand the scope of the committee's duties; in addition to screening candidates for university trusteeships, the committee now sends names forward for openings on boards overseeing Kentucky Educational Television, the Kentucky Higher Education Assistance Authority, and the Kentucky Higher Education Student Loan Corporation.

• **Massachusetts.** During Governor Michael Dukakis's final term, a proposal was considered to develop a screening process for nominations to the public college and university boards. The proposal was generated by Paul Tsongas, then-chair of the state higher education governing board—the Massachusetts Board of Regents—who took as a model the state's Judicial Nominating Council. Tsongas, with the assistance of the Governor Dukakis's education adviser, Robert Schwartz, developed a plan he believed would improve the caliber of trustees. The plan was formalized through an executive order from Governor Dukakis creating the Public Education Nominating Council (PENC).

When Governor William Weld took office in 1991, he formalized the PENC through Executive Order 309. The legislature subsequently granted the PENC statutory authority in the higher education reform package adopted in 1991. The Public Education Nominating Council (PENC) consists of 12-15 members who serve at the pleasure of the governor. The governor also selects the PENC chair. By statute, the council's composition must reflect diversity of culture, race, social, geographic, and ethnic perspectives.

The nominating council was given responsibility for developing a list of candidates to forward to the governor for all public college and university trusteeships, including the University

of Massachusetts. In addition, the council screens names for the Massachusetts State Board of Education and the Massachusetts Higher Education Coordinating Council.

The council is charged with submitting at least three times as many names to the governor for consideration as there are vacancies. As the system presently operates, the names of prospective nominees are sent initially to the Massachusetts secretary of education and come from many different sources—college presidents, trustees, business leaders, and so forth. The council also engages in efforts to recruit candidates. The nominating council meets three to four times per year to review vacancies and nominations and submits its final list of nominees to the governor via the secretary of education.

The council must evaluate its nominees to trusteeships "without regard to race, religion, sex, age, national or ethnic origin, sexual orientation or political affiliation." Since the early days of the council, the PENC has applied the following rules for nominees to trusteeships: Nominees must be Massachusetts residents, college graduates, understand the purposes of the institutions they will serve, and be willing to devote the time necessary to be a trustee. Trustees serve a maximum of two terms, even if one is only a partial term. Dismissal from a board appointment resulting from absences depends on the bylaws of each institution.

As with the screening bodies in Kentucky and Minnesota, the initial work load of PENC was substantial; the current council was faced with 151 vacant trusteeships when it began its work; 707 names were reviewed, and 310 names were sent to the governor for the unfilled positions.

• **Minnesota.** In the mid-1980s, a proposal gained currency to create a body to screen nominees to the University of Minnesota Board of Regents prior to final selection by the legislature, the constitutionally designated authority for electing regents in that state. A citizens' study committee sponsored by the University of Minnesota Alumni Association was the source of the proposal. (See Melvin D. George's article, "An Experiment in Trustee Selection," in the September/October 1989 issue of *AGB Reports*.) The recommendation got nowhere until controversies involving some alleged presidential indiscretions at the University of Minnesota and the supposed existence of a secret "slush" fund dominated the headlines. Out of that perceived scandal, support mounted for the proposal as one way to strengthen the membership of the university's governing board.

The Minnesota council recruits and evaluates candidates, then forwards two to four names to the legislature for each opening on the board of regents. The legislature makes the final selection.

In 1988, the Minnesota legislature adopted a measure to create a council to develop standards for future regent candidates. The proposal was adopted as a provision in an appropriations bill. In reflecting on the bill's passage, legislators believe the measure might not have passed had it been considered as a separate policy bill; it would have been too visible and possibly have encountered more opposition.

The statute established the Minnesota Regent Candidate Advisory Council (RCAC). The council was charged with creating a process to recruit and evaluate candidates prior to forwarding two to four names to the legislature for each opening on the board of regents. The legislature makes the final selection of the regents. The council consists of 24 members, half of whom are named by the state senate; the other half are appointed by the state house of representatives. Council members must be geographically representative of the state and no more than two-thirds may be from any one political party.

Statutorily, the 12 members of the University of Minnesota Board of Regents nominated by the council must represent one of the state's congressional districts or be designated as at-

large members. This latter feature has had an impact on the dynamics of the screening and selection process.

An outside evaluation of the RCAC was conducted in 1994 for the McKnight Foundation. Several strengths and weaknesses of the council were highlighted in the evaluation. The RCAC's work obviously has received high marks by the legislature, as that body consistently has selected regents from the final list of nominees forwarded to it by the council. The council also received praise for the interest it has generated in service on the board of regents and the attention now paid to the roles and responsibilities of board service. Areas identified as needing additional work include recruiting a more diverse group of nominees, clarifying the difference between the council's work and the legislature's selection process, improving outreach and recruitment processes, and developing a better system for evaluating nominees.

When the legislature created a new consolidated higher education governing board in 1991, it replicated the RCAC model as a means of screening and forwarding names for the new governing board members. Legislation creating the Higher Education Board merged three separate boards into one system to govern all of Minnesota higher education outside the University of Minnesota. The community colleges, the state universities, and the vocational technical institutes will comprise the new system when the merger is fully completed in 1995. The Higher Education Board Candidate Advisory Council (HEBCAC), is composed of 24 members selected in the same manner as the RCAC. HEBCAC was created with little controversy, which reflects the good reputation and accomplishments of the RCAC. A major difference between the two councils is that HEBCAC's list of nominees is forwarded to the governor rather than to the legislature, as is the case for RCAC. The governor is the appointing authority for the 15-member Higher Education Board.

The first Higher Education Board was appointed on an interim basis; half of the board members were appointed by the governor, and the other half were representatives of the three merged boards. As the terms of the original members expire, the HEBCAC selects nominees for the permanent board. Ninety-nine individuals applied for the first four openings on the Higher Education Board. The governor selected from within HEBCAC's final list for three of the openings; the fourth seat went to an individual who was interviewed by the HEBCAC but was not among the finalists. Thus, it already is clear that a different dynamic will operate for HEBCAC than for RCAC.

Issues for screening committees. Each of the screening committees in these three states has developed systematic approaches to help it conduct its work. For example, in Kentucky, individual committee members divide the labor and check on the references of candidates for nominations in their region of the state. The governor's staff person conducts background research to determine if there is conflict of interest.

In Massachusetts, as in the other states, PENC members review all résumés before they meet. Names that are sent forward for the governor's consideration but are not selected remain in the candidate pool. A computerized database of these names is being developed.

In Minnesota, several documents have been developed in addition to the criteria for regent selection. These include guidelines for conduct of the RCAC members, a candidate conflict-of-interest statement, a policy on legislative communications, and formal guidelines for its selection procedures. While the HEBCAC models its work after that of the RCAC, it has altered the model to fit its own circumstances.

A major difference among the nominating bodies in the three states is in the number of trustees for which they must forward nominations to the appointing authority. The RCAC in Minnesota has responsibility for finding candidates to fill 12 positions for the University of Minnesota Board of Regents, and the HEBCAC recommends names for 15 slots for the Higher Education Board. In contrast, the Kentucky Governor's Higher Education Nominating Committee has responsibility for forwarding a slate of names to the governor for a much larger number of trusteeships. Kentucky has independent governing boards for each of its service institutions, and the total number of positions to be filled is 105. As mentioned above, the governor's committee also is responsible for forwarding a list of nominees for the Kentucky Council on Higher Education and the boards of Kentucky

Educational Television and the Kentucky Higher Education Assistance Agency.

Approximately 250 trustees oversee the public two-year and four-year institutions of higher education in Massachusetts. In addition to their responsibility for at least three names for each of those positions, the PENC nominates names to the governor for the State Board of Education, the Higher Education Coordinating Council, and the University of Massachusetts Board of Trustees. The PENC interviews applicants for the latter three groups but relies on local recommendations for all other applicants, thus helping to control an otherwise unwieldy work load.

Support services for each of the nominating entities in the three states are located in the appointing authority's office or administration. In Kentucky, a member of the governor's staff is responsible. Massachusetts Governor William Weld has assigned responsibility for staffing PENC to the secretary of education's office, a cabinet-level agency. In the early days of the council, the staff function was located in the office of the Massachusetts Board of Regents, predecessor to the Massachusetts Higher Education Coordinating Council. Staffing for both Minnesota nominating councils is housed in the Legislative Coordinating Commission.

The diversity issue. All the screening councils are sensitive to issues of diversity, going beyond requirements of the enacting legislation to ensure trustees are representative of major groupings in the state. For example, while Kentucky's H.B. 149 remains silent on the issue of balancing gender representation on the boards, the Governor's Higher Education Nominating Committee has made that a priority. The screening process also is viewed by interviewees as a way to add underrepresented voices to the boards. This may mean considering occupational groupings as well as the usual categories of race, ethnicity, gender, or region. For example, Massachusetts interviewees seemed interested in increasing business representation on their state's boards. One interviewee urged other states to use the screening process to "get new blood" on the boards.

A few other states either have adopted modified versions of the screening process or have considered the screening process and rejected it. North Dakota has a screening committee comprising the chief justice of the state supreme court, the state superintendent of schools, and the North Dakota Education Association (the faculty union bargaining unit). In Oklahoma, the legislature considered revamping the trustee-selection process in both its 1992 and 1994 legislative sessions to include a screening process for public college and university trustees. In both years, the measure passed in the House of Representatives but failed to muster the necessary votes in the state Senate. Proponents of the legislation have given up for the present, partly because the state's continuing-education program for college and university trustees is seen as so effective that selection reform is perceived as unnecessary. Other factors driving opposition to the measure include the potential loss of power for the governor and state senators, the issue of whether the screening council would pay enough attention to issues of diversity, and whether the council's action might lead to a requirement that only college graduates could serve as trustees. The latter is viewed with disdain as a gatekeeping function in this populist state. It is interesting to note that these concerns have not yet materialized in the three states that have revised their selection process.

Lessons Learned

To learn how the trustee reforms are perceived in these states, 75 individuals representing a cross section of the higher education enterprise in Kentucky, Massachusetts, Minnesota, and Oklahoma were interviewed in person or by phone. Interviewees included members of the screening committees, staff of state higher education agencies, public college and university presidents and trustees, faculty, state legislators, journalists, and interested observers.

In the interviews, these individuals said they had high expectations for selection reform, orientation, and in-service education programs. They expected trustees to be named for their interest in and commitment to higher education—people who would be able to look beyond the campus and know the difference between administration and policy. They also expected that the trustees selected under the lay screening process would be individuals willing to devote extraordinary amounts of time to a voluntary office that brings little honor.

Were these expectations too high? The next section of this paper examines this question and evaluates the lessons learned in the states that have reformed the selection process. The final section of the paper describes lessons learned in states that have instituted orientation programs for their public university trustees.

Evaluation and Analysis

Interviewees agree—The screening process is an improvement over the former system of selecting trustees. Interviewees believe selection reform has made a difference in their states. It opens up the system, brings the public in on the discussion about who will serve, legitimates the process, makes it more "democratic," and helps the public and nominees learn about the responsibilities of trusteeship, thus playing an educational function. As one interviewee stated, "There is light shed on selection where there was no light before." Others mentioned that selection by a screening process brings a semblance of professionalism to trustee selection; standards and criteria for selection are in place where there had been none. There also is a perception that the "hurdle is higher" to be chosen as a regent or trustee under the reformed selection process.

One Kentucky interviewee observed that people now serve on the boards as a result of the screening process who *never* would have been appointed to boards in the past when the system was closed. This remark was stated in a positive way, implying there is greater diversity of background and viewpoints on the current boards. A Minnesota interviewee echoed that sentiment for board members in her state. A Kentucky university board member believes the more diverse perspectives on her board under the present system bring more flexibility. "You won't have very interesting questions asked if everyone represents the same old mindset!" she said. Others said trustees appointed under the new system are more concerned about the institution's academic side: "The day of the 50-yard-line regent is gone," stated one interviewee.

Some interviewees expressed substantial enthusiasm regarding the results of reform, describing the reforms in glowing terms: "dramatic improvement," "there is no question that the quality of the trustees has improved under this system," and "great improvement." One university president said that since the reforms have been in place, the quality of trustees serving his institution has improved 100 percent.

A few were more guarded in assessment of the new system, even though they think it is an improvement. They appear to have learned to lower their expectations. Some stated that the new system of selecting trustees is better than the old way, but not by much. There were others who said, "you're naive to expect too much from the change, so lower your expectations." Generally, responses were more guarded in Massachusetts than in the other two states, although even in the latter, some interviewees viewed the effectiveness of reform with cynicism.

Politics did not disappear completely. In each state, the higher education community, state officials, and the public expected the reforms to eliminate politics from the trustee-selection process. But given human nature, interviewees say, politics continues to play a role in the selection of state college and university trustees. "It was a naive wish to think politics could be eliminated from the selection process," one Minnesota interviewee said. One state legislator recalled he never had illusions that politics could be completely removed from the process.

Even though many interviewees perceived the governor or legislature as continuing to use trustee appointments for political ends, others noted this is only natural. Elected officials ultimately are responsible to the public and need to have the power to make direct appointments. Most of the time, the governors or legislators are concerned about selecting the best person for the position, one who is informed about higher education and sensitive to the needs and mission of the institution to which he or she is being appointed. But if all things are equal, political officials may choose political friends. A Minnesota interviewee expressed the concern that the screening committee will "squeeze the political leadership too tight." If the first time the governor or legislature selects a regent from outside the list of the advisory group and there are cries of betrayal, then "the 'good government' types will have gone too far."

In all three states, there have been instances when the idealists have been disappointed be-

cause the appointing authority appeared to be making a patronage-type decision, rewarding political allies or paying off political debts. "You can't outlaw political cronyism," one interviewee said. Another said it's still politics as usual: who you know. He perceived that the process "masks the politics." There is nothing wrong with a process in which the governor or legislature appoints trustees, said one. What is flawed is that people abuse the process; however, "the screening process slows down abuse" stated an interviewee. Others fear the screening committee itself may become politicized, in which case one form of politics would be substituted for another.

The governor or legislature still has the final power to name trustees, and they are not confined by the list of finalists forwarded to them. Appointing officials may apprise committee members informally about their favorite choices for the short list. In all three states, the appointing authority can go outside the screening body's list or ask the screening committee to forward more names, although this rarely has occurred.

Additional political considerations were cited in Minnesota, where candidates for trusteeships generally must lobby legislators to be selected. This discourages some potential nominees. Another political consideration faced by the screening committee in Minnesota is the difficulty in finding candidates who will allow their names to go forward against incumbent regents. Nearly all interviewees would agree that a reformed selection process should be seen as a way to augment and improve a political appointment process; it is not a replacement for politics.

The screening committee can lessen work loads and distance governors from sometimes sensitive decisions. Almost everyone interviewed believes elected officials have benefited by the work of the screening councils to recruit and screen candidates and narrow the number of nominees before they reach the officials' offices. The governor's office usually has a large number of appointments to make to other state boards and commissions, and the screening process for public college and university trustees helps reduce the office's work load. The caliber of candidates forwarded by the screening committee generally is regarded as high; if not, the appointing officials can place the blame on an entity outside the executive or legislative office.

On the other hand, if the trustees are of high quality and dedicated to higher education as a result of the reformed selection process, the appointing official(s) can take the credit for being sensitive to the quality of the state's higher education system. Ineffective board members who want the prestige but none of the work of a trusteeship can be screened out by the nominating body; this reduces pressure on the governor or legislature.

The screening committees receive high marks for quality. Cynicism melts away when the topic of conversation is the quality of the screening committees themselves. Interviewees applaud the high quality of the screening committees in all three states. This positive perception is echoed strongly by the committee members themselves.

The screening committees in all three states are serious about their mission. They try to reach out broadly, casting a wide net in their recruitment activities. This means notifying a variety of organizations, public and private officials, community leaders, college presidents, legislators, and the general public as a first step in the screening process. Screening will mean nothing if there is not a pool of qualified candidates interested in having their names put forward. Recruitment involves touching base with potential candidates or those who have knowledge of them, making phone calls, sending letters, and contacting college presidents to determine what qualifications and perspectives they need on their board. One of the states releases notices of openings on the board of trustees to the press, but these have not been especially successful in recruiting candidates.

Despite their hard work, all the screening committees see the recruitment process as needing improvement. Screening committee members also admit it is helpful to have people with a wide range of contacts serving on the screening council. The first chair of Kentucky's Higher Education Nominating Committee, a former lieutenant governor, knew people throughout the state and took personal responsibility for making phone calls to a substantial number of people to garner a sizable and able pool for the first round of nominations in that state. Undoubtedly, this level of commitment from screening committee members has contributed

to the general perception of higher quality of trustees serving on public college and university boards in the three states.

Problems With the Screening Process

Time. The problem of time was addressed by interviewees from several perspectives. College and university presidents, especially in Massachusetts, are critical of the time it takes for the screening and selection process to work; the appointment process is "very slow," said one Massachusetts president. This is especially true for unexpected vacancies due to resignation or death. Presidents complained they may wait months for a replacement: "It's now September, and the position was vacated last spring." In Massachusetts, there is a special set of complaints because a police check is required, adding to the time for the appointment process to be completed.

Screening committee members also complained about the amount of time they must devote to this work. One Kentucky member described his committee as one of the most demanding he has served on; evaluating the candidates takes much time, he said. The work load was especially arduous in the com-mittee's first year of work; that was typical in all three states. Screening committee members in all three states mentioned the difficulty of convening all members due to time constraints; occasionally, work must be conducted by conference call.

At issue is whether selection reform will guarantee that states with weak boards will improve the caliber of their trustees and whether states with strong boards can sustain high quality.

Open-meeting laws. The requirements of the state's open-meeting law was cited as a problem by some of the Minnesota interviewees. While Kentucky and Massachusetts screening committee members are allowed to discuss personnel matters in executive session behind closed doors, the pros and cons of potential candidates for slots on the University of Minnesota Board of Regents or Higher Education Board must be discussed in public. This leads to the possibility that less than frank comments will be made on the qualification of candidates, and it may hinder possible nominees from putting their names forward. On the other hand, Massachusetts interviewees complained that their system is too closed, and presidents and other interested parties do not know who is being considered.

State-specific problems. Problems unique to their states also were described by interviewees. A Massachusetts interviewee said the PENC asks both college presidents and chairs of the boards of trustees to forward names to them. "Sometimes the chairman wants an individual to be named and the president of the college, another. This can be 'sticky,'" she said. Massachusetts interviewees were particularly concerned about the lack of information about the nominating process. One president knew little about the PENC, how it functions, when it meets, and so forth. It is not surprising that the president's advice to other states was to make sure people are informed about the process. Other Massachusetts college or university presidents echoed his sentiment.

Several problems mentioned by Minnesota interviewees seemed unique to that state. For example, some said the size of the nominating councils (24 members each) in Minnesota was too large and unwieldy. An unintended side-effect has occurred in Minnesota's nominating system with the filling of interim vacancies. If a University of Minnesota regent dies or resigns when the legislature is not in session, the governor makes the interim appointment. Recently, a regent (who happened to be a former legislator) planning to resign before her term expired waited until the legislature was in session before submitting a resignation. In that case, the legis-

lature selected the interim appointee. It is a quirk that has created strange dynamics, as partisan politics becomes a factor in determining the timing of resignations. It also makes a difference whether a vacant trusteeship is designated as at-large or district-specific. More people are interested in having their names considered for nomination for at-large seats. Districts that represent rural portions of the state are less likely to produce a sizable number of people interested in serving.

Kentucky interviewees cited recruitment problems that were not mentioned in the other two states. While the screening council has found there is no lack of candidates for trusteeships for the flagship institutions, it is more difficult to find people who are willing to have their names put forward for regional university trusteeships. An additional barrier in recruiting, according to a Kentucky trustee, is that highly visible, seasoned politicians are less likely to be nominated. The nominating committee may view them as media "attention getters" and shy away from placing their names on the list to forward to the governor. But people "labeled" as high-visibility persons can make substantial contributions to a board. This interviewee hopes such people will be considered in the future.

Staffing. Interviewees in all three states perceived a lack of adequate staff as a constraint on the screening committees. While legislators have been pleased with the performance of the trustee-screening committee in their states, they have been unwilling to devote the resources necessary to fully staff the committees. Staff are housed in governor's offices, offices of cabinet officials, or legislative commissions. Staff to the HEBCAC in Minnesota will continue to be housed in the legislative commission; the same individual will staff both screening committees. Staffing the committees is only one of the many duties assigned to the person responsible in all three states, which means staff can help with procedural matters but seldom have the expertise to address substantive issues. "No one is dedicated full time to this (process)," remarked a Massachusetts president; he perceived this as a weakness in the system.

Recruitment. More than one interviewee mentioned that potential nominees may be discouraged from putting their names forward for a trusteeship; these would-be candidates do not want it to be known publicly that they are under consideration for a trusteeship in case they are not selected. Others may be reluctant to become candidates because they do not want to be subject to the hassle of the confirmation process; this is more of a problem in Kentucky and Minnesota, where appointees are subject to legislative confirmation.

Advice to Other States

Do it—but have realistic expectations. Even the less enthusiastic interviewees appeared accepting of the new selection system. When asked what advice they would give to other states, interviewees were pragmatic, focusing on specific recommendations for improvement or how to avoid pitfalls. Pay attention to the time element. Make certain everyone is informed. Work hard to recruit good candidates. Contact as many groups as possible to alert them to openings.

Typical of interviewees' comments was the remark by a Minnesotan, who strongly urged other states to consider the screening process for nominating state college and university trustees. Being a university trustee "is a special responsibility," he argued. The separateness and autonomy of the university makes it very important that a screening process be in place. Another Minnesota interviewee added, "The process encourages people who care a great deal to apply for trusteeships."

Advice also focused on the nature and work of the nominating council itself. Make certain it is representative and of the highest quality. Council members should have a good range of connections and represent diverse professions and businesses. However, be careful that the process does not become elitist. One interviewee said, "The cream is selected to serve on the nominating committee, and they select the other cream to serve as trustees."

Another set of recommendations focused on the importance of gubernatorial and legislative support. Commitment to the screening process by these political officials is viewed as key in all three states. Kentucky and Massachusetts interviewees noted their governors have sent strong signals to the screening councils to put forward the best possible candidates. One

interviewee said, "Make certain there is gubernatorial cooperation with the new system from its very inception; otherwise it could well not work."

Additional advice stemmed from a state's unique experience. For example, a Kentucky interviewee argued it is not necessary to abolish existing boards to initiate the revised selection process and would not recommend this to other states. A Minnesota interviewee advised other states to include training in their reform of trustees. Selection is not the end of the reform process; a conscious effort has to be made to train trustees no matter what the selection process. States need to be careful, said one Kentucky nominating council member, that you don't place so many restrictions on the selection process that it becomes cumbersome.

On the more negative side, an interviewee suggested officials in states interested in selection reform should ask themselves, "What are we trying to solve with the new selection system?" A Massachusetts interviewee said this another way: "Don't put this in place as a placebo or for the perception of it. Otherwise people will expect better trustees and their expectations won't be met."

Conclusion

Are trustees better as a result of the new selection process? Understandably, it was difficult for interviewees to assess the quality of boards appointed under the new system. Advocates of reform seek trustees who will provide better oversight for the management of the institution without becoming micromanagers, be more adept at posing policy questions to administrators, better at selecting a new president for the institution should that become necessary, and who have a solid understanding of the role and responsibilities of trustees. Proponents of lay screening committees believe reform will attract trustees who fit these qualifications.

Some interviewees were adamant that the trustees appointed under the new system are a great improvement; others could see little difference or did not know how they would measure it. With a few exceptions, no one interviewed believed the quality of trustees was worse than under a direct-appointment system. On the other hand, the new system is not a guarantee that incompetent people never will be appointed. Although it may be difficult to assess the quality improvement of trustees appointed under a formal selection process, it may be more accurate to think of a selection process as a guarantee that states where boards are weak will be able to improve the caliber of their trustees, and states where boards have been historically strong will be able to sustain the quality of their boards.

While there is some ambivalence about the benefits of the screening process, most agree confidence has been restored and credibility has been regained. They also agree it takes time to implement the system and iron out the "kinks." Eventually, there are fewer complaints from the general public and from university and elected officials. The higher education system has quieted down, explained a Kentucky legislator. One Massachusetts interviewee sees not only an improvement in the quality of trustees but also a better quality of president being selected at the college and university level. On the other hand, there are institutions with historical tensions between the campus administrators and the board. Despite the revised selection system, successful ways to handle such situations still have not been found, although problems are less intense than in the past.

Trustee Orientation and In-Service Education

The report of the National Commission on College and University Trustee Selection, otherwise known as the Scott Commission, included a recommendation for states to consider establishing an orientation and in-service program for new trustees. In recent years, four states—Arkansas, Kentucky, Oklahoma, and Texas—have adopted legislation requiring such programs for state college and university trustees, and six to eight other states have seen their boards and institutions do so voluntarily or seriously consider the idea.

Several interviews were conducted with higher education and public officials in Kentucky and Oklahoma in preparation for this report; the programs in those two states have been in place since the early 1990s. Other states such as Utah and Virginia have not statutorily mandated such programs for trustees but have taken steps, primarily through the state higher education coor-

dinating or governing board, to institute regular orientation and education seminars.

Trustee Orientation Programs

• **Kentucky.** Kentucky's higher education reform act of 1992 requires the Kentucky Council on Higher Education, in conjunction with the public institutions of higher education, to develop an orientation program aimed at newly appointed trustees of these institutions. The orientation programs at the institutions are statutorily required to include information on the institution's mission, budget, plans, policies, strengths, and weaknesses. Thus, Kentucky became the first state—and remains the only state—to adopt both the selection and education reform advocated by the Scott Commission.

Kentucky's higher education reform act does not require trustees to attend orientation programs at their institution and statewide, but orientation must be offered. The Kentucky Council on Higher Education has interpreted the statute to include an annual two-day conference on higher education aimed at public and private college and university board members, university presidents, relevant state policy makers, and other constituents such as advocacy groups. This event is named the Governors' Conference on Higher Education Trusteeship. The eight board chairs and the Council of Higher Education chair all are involved in the planning process. The goal of conference planners is to address current issues that face higher education in the state. For example, performance funding and strategic planning were covered at the 1995 conference.

The council provides minimal oversight of institution-specific orientation programs. The first year the law was implemented, the council asked presidents to provide information on orientation at their institutions but ran into institutional resistance. The council has not surveyed the campuses since that time.

• **Oklahoma.** Oklahoma adopted a comprehensive in-service education program for its trustees in 1990. Continuing education for trustees had been recommended in the Tolbert report, issued by a blue-ribbon task force formed in the mid-1980s to recommend ways to improve the higher education system in the state. The proposal to institute a continuing-education program for trustees was a popular measure with little opposition and broad support. A similar program for public school board members, passed in 1989, provided a model for higher education. A general acceptance of continuing education for professions such as law, dentistry, and accountants also made the bill's passage easier. Legislation requiring institutions to provide orientation for their new trustees is much older, having been enacted in 1973.

The 1990 law in Oklahoma requires all newly appointed or reappointed trustees to complete 15 credits of continuing education over a two-year period. The program must include two credits in ethics.

The 1990 law requires all newly appointed or reappointed trustees to complete 15 credits of continuing education over a two-year period. The program must include two credits in ethics. The staff of the Oklahoma State Regents for Higher Education, the state's strong coordinating board, administers the program, in conjunction with the Oklahoma attorney general's office. A wide variety of programs and formats is used to deliver the instruction, including interactive television at 35 sites across the state, videotapes, and conferences and workshops hosted by other governmental and civic agencies. The credit portion of a conference offered by an outside agency or organization is determined by the state regents office, which offers several events for credit, the largest of which is the annual conference. The annual conferences are planned by the Regent Education Program Advisory Committee, which includes college presidents, board executive secretaries, fac-

ulty, and staff of the regents office.

• **Arkansas and Texas.** Two other states recently joined the ranks of states mandating education programs for state college and university trustees: Arkansas and Texas. Arkansas adopted legislation in 1993 requiring trustees to attend eight hours of seminars within the first year of their appointment and each year thereafter. The programs include higher education issues, policies, and laws, as well as information about the roles and responsibilities of board members. Members also are required to receive annual in-service orientation by the institution on whose board they serve. The legislation has been interpreted liberally to allow a variety of means of education, including attendance at AGB meetings.

The Texas legislature adopted a training requirement for trustees in 1993. The Texas Higher Education Coordinating Board (HECB) is responsible for providing a two-day program. Board members must attend at least one seminar within the first two years of their appointment. In addition to the HECB, representatives from other state agencies, including the attorney general's office, the comptroller's office, the state auditor's office, and the Texas Ethics Commission participate in the seminars. The act is highly prescriptive and specifies the content of the seminars. No funding is provided; registration fees and other costs are to be covered by private funds.

The initial conference was held in June 1994 with two other conferences planned by August 1995. A committee of trustees helped HECB staff plan the meeting; the majority of speakers were current or former trustees. The conference was received positively. One of the positive spin-offs of the conference was the formation of a network of women trustees.

Lessons Learned

The same high expectations for selection reform hold true for in-service programs. Oklahomans interviewed expected trustees to acquire a better understanding of the issues faced by the institutions, gain a fundamental introduction to the higher education system, and learn what the job of trustee entails. Legislators hoped trustees would learn about ethics and required an ethics component for the continuing-education program. It should be noted that Oklahoma interviewees, including board members, were more enthusiastic and committed to the training program in their state than were Kentucky interviewees; they also held higher expectations of the program.

Have expectations been met? Yes and no. Oklahoma interviewees spoke of their program with considerable pride. It provides board members with the basic tools they need. Although seasoned trustees and campus presidents initially were skeptical, they now generally say, "This is worth my time."

Board members for Oklahoma colleges and universities are perceived as asking better questions as a result of the program; they are "propelled to the next question," according to a legislator. Boards are functioning better. "Higher education is acting more like a community—between tiers and between institutions," said one Oklahoma college administrator. The program gives board members a statewide perspective and helps them establish strategic goals. One interviewee argued this type of program is necessary if higher education is ever to have the public support it needs in the state. In addition, the sessions help regents think about how to maintain authority as board members and how to respect presidents' wishes while learning how to raise questions of the presidents. A board member said you have to know what your role is as a regent, to know the difference between meddling and appropriate intervention, and the seminars have helped him learn that distinction.

Kentucky interviewees gave mixed reviews of the orientation program in their state. However, some view it as an important piece of trustee reform. One said the program is necessary so trustees can become real players in the higher education system. A legislator reflected that he is not getting any feedback about the orientation process, "and that is good." A board member who has attended the statewide conference and the institutional orientation program argued the more informed trustees are, the better they can advocate for the institutions. "In times of scarce resources, there is great competition for dollars. Board members need to be able to inform legislators about the needs of the institution." Another board member admitted that "a well-informed board is the best investment a president has. They are less meddlesome!"

Kentucky university presidents were divided

about the impact of the statewide conference; they perceived this meeting as ineffective. Perhaps one of the explanations for this ambivalence about the statewide conference is that the presidents do not always agree with the Council on Higher Education's agenda at the conference, even though some presidents help plan the programs. Presidents are more enthusiastic about the trustee orientation programs that take place at their own institutions, where they set the agendas.

Regents interviewed who have attended the statewide conference gave more favorable marks than did their presidents. They described the conference as thorough and said it helped them better understand questions of governance and prepared them to think in-depth about institutional issues. This group believes board members have improved as a result of the reforms.

Problems. In both states, some interviewees identified problems with training planned and coordinated at the state level; no problems were mentioned for programs at the institutional level. In Oklahoma, regents who are reappointed tend to resent being required to participate in the program. Other Oklahomans complained about the way activities are selected to be awarded "credit." Credits need to be accessible for busy people. "Everyone has other lives to live; these sessions take too much time," related one regent. Interestingly, no trustee in Oklahoma opposed the mandating of the continuing-education requirement; a few said they thought requiring participation was a good idea because they probably would not attend if the programs were voluntary. No one interviewed in Oklahoma took exception to the annual conference; it is perceived as a high-quality event with outstanding national resource leaders.

Kentucky interviewees did not have many specific complaints about the orientation requirement; generally, they could be described as apathetic. One said the orientation program should not have been mandated but that it makes sense to have one. Another identified as a deficiency a lack of a workshop session on the budget process, because that is difficult for new trustees to learn.

Mandated trustee education has had positive results according to interviewees, although, again, Oklahoma interviewees were more affirmative than Kentucky interviewees. Orientation and in-service education programs contribute to collegiality. Board members enjoy meeting presidents of other institutions as well as the board members from across the state. If a few faculty members are involved, it can help bridge a gap between trustees and faculty. Sessions on ethics and roles and responsibilities of regents were identified as especially useful. One Oklahoma trustee believes there are better relations and less suspicion between the institutional boards and the state board as a result of the statewide conferences. A solid education program is viewed as empowering good regents, giving them the backing of the larger community.

Kentucky interviewees also perceived the face-to-face contacts among trustees of different institutions as a benefit of statewide conferences. As a result of the orientation process, trustees have a better sense of core knowledge, the mission of their institution, and how it fits into the state's higher education system.

Some Kentucky institutions of higher education already had in place an orientation program for new trustees. Nonetheless, since one-half of the board members were new in 1992, the orientation process was seen as an especially critical piece of trustee reform. Orientation programs described by presidents include a series of events, such as tours and meetings with university officials, and time with the university counsel. Material from AGB often is included in many of these sessions. One president distributes the criteria that AGB distributes for the Annual Distinguished Service Award in Trusteeship to provide trustees with information about characteristics desired in board members. Others use the AGB videotape on the role and responsibilities of trustees. Trustees are walked through the institution's important documents, including the institution's strategic plan. In addition to the orientation process, some presidents organize separate annual or biennial retreats for their board members. One institution has linked its retreat to the statewide conference.

Advice to other states. Interviewees were generous in their advice to other states considering such programs. A majority of Oklahomans interviewed said, "Do it! And come visit Oklahoma if you want a good model program." However, other advice varied from the planning pro-

cess to the quality of the program. Involve a broad cross section of the higher education community in the planning process, including presidents and trustees. Place special priority on the initial programs; high quality will signal they are and will be worthwhile. Many trustees serve on other corporate and nonprofit boards and have gained substantial board experience; they do not need to hear the same things repeated at trustee education programs. If the program is worthwhile, said one Oklahoma president, then it's a "win, win, win situation." Interviewees were divided over whether these programs should be mandated: some think it is a must; others say it is too much to ask of volunteers. Interestingly, a Massachusetts president believed his board could use additional training but added that, lacking a mandate, trustees probably would not participate. A Minnesota interviewee agreed there is a missing piece to selection reform and it is the training process that is necessary, regardless of the manner in which trustees are selected.

Nearly every state that has developed a statewide trustee-orientation program has faced criticism or skepticism by presidents and trustees if the state coordinating agency or commission is charged with running the program. If the state agency or commission does run the program, involving a president and trustees in planning and putting them on the program agenda will help mitigate problems.

Conclusion

Interviewees state the case for an effective orientation and continuing-education program in no uncertain terms. The politics of this reform are right; no one stands to lose if the programs are done well. Legislators appear pleased with this reform, but as with selection reform, legislators want the benefits of training board members without having to pay for it with state money. Good programs cost money and need to be funded accordingly, interviewees say. Thus far, in the four states cited here, the funding is passed on to the institutions or the trustees.

Mandating actual attendance or continuing-education "credit" may place an unwelcome requirement or additional time commitment upon trustees and regents or deter good candidates from seeking appointments. This is a risk. But if done with strong commitment from the top of the state political leadership (governors and key legislators) and their active participation, acceptance by board members will be much easier.

Overall Conclusion

What has been learned from these changes in state policies regarding trustees? First, it is difficult to pass reform legislation unless there is a crisis or scandal in higher education. Once legislation is adopted, high quality—whether in program or board appointments—is crucial. While quality is essential, don't expect the legislature to pay for it. Legislatures want to see the changes, but they tend to pass the cost on to the state coordinating body or the institutions. Good staffing is important, but most reforms have been implemented with minimal staffing. Expectations placed on reform legislation may be too high; the higher education community needs to be realistic about what can be accomplished through these reforms, yet neither should it be cynical about them. They have made a difference in these four states.

And, as always, collegiality, cooperation, and good lines of communication seem to make a difference in the implementation of these reforms; they also can be seen as a positive side-effect. Most important, they call public attention and lend greater credibility to the higher education enterprise at a time when the academy can benefit from improved public support.

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